

REMARKS

Claims 1-13 are pending in this application. Claims 1-13 stand rejected. In light of the remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Applicant notes that the IDS submitted October 25, 2004, has not been acknowledged by the Examiner. For the Examiner's convenience, Applicant includes herewith a copy of the SB-08 previously filed. Applicant respectfully requests that the Examiner acknowledge the SB-08 and return same to Applicant.

The Office Action rejects claims 1-3, 6-8, 11, and 12 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) in view of U.S. Patent No. 6,130,881 ("Stiller"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

Independent claims 1 and 4 are method claims which each explicitly recite a method for transferring information that is not urgent, i.e., it will not be accessed directly from the original server, and that will be accessed by a relay server. This feature is not shown in Stiller.

Stiller discloses nodes that receive and pass on information. In particular, if a node is a destination node, then message data sent to that node is passed to the application layer. In contrast, if a CPU at the node determines that the node is a relay node for the current message, then the message data is read out of the memory and transmitted. The functioning of Stiller's node is that of a router node and not the explicitly recited relay server in the claim.

Applicant's claim includes both routers and relay servers. Thus, there is a distinction between relay servers and routers and the Stiller reference does not disclose a relay server. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection with respect to claims 1 and 4 in their dependent claims.

Independent claims 6 and 9 are system claims. Both of these claims include relay servers and routers. As discussed above, Stiller merely discloses the routers in Applicant's claim. Therefore, Stiller fails to disclose the relay servers explicitly recited in Applicant's claim. Thus, Applicant respectfully requests reconsideration and allowance of independent claims 6 and 9 and their dependent claims.

Like independent claims 1, 4, 6, and 9 discussed above, claims 11 and 13 explicitly recite a relay server. As discussed above, Stiller does not disclose relay servers but merely discloses commonly known routers. As such, Applicant respectfully requests reconsideration and allowance of claims 9 and 11 and their dependent claims.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

By

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